

In the interview, the Examiners courteously agreed to reopen prosecution of this application and presented a new Restriction Requirement. In response to the new Restriction Requirement, Applicants hereby elect the claims of Group I with traverse. This election is made with traverse insofar as it is believed that Applicants are entitled to a generic claim which reads on the species of Groups I and II of the Restriction Requirement. Applicants believe that original claim 1 was generic to the species defined in Groups I and II, but the Examiners apparently considered otherwise since Group II in the present Restriction Requirement does not include claim 1. Accordingly, Applicants have now replaced claim 1 with new claim 35 which more clearly is generic for the species of Groups I and II. Applicants respectfully submit that this claim should be examined in the present application and, if it is subsequently found to be allowable, all claims depending therefrom should be rejoined in the application (see 37 CFR 1.141).

Claims 36 - 62 have been added more completely to define the subject matter which Applicants regard as their invention. Claims 36, 39 - 42, 44 - 50, 56 and 59 - 62 are drawn to the invention of elected Group I. The remaining claims are drawn to the non-elected species. Claims 38 - 43 correspond to former claims 3 - 9 respectively and draw support from the specification in the same manner. Claims 44 - 47 correspond to former claims 10 - 15 respectively and draw support from the specification in the same manner. Claim 48 corresponds to former claim 24. Claims 57 - 62 correspond to former claims 28 - 34 and draw support from the specification in the same manner.

The recitations in claims 49 - 50 draw support from the specification at page 5, line 30 - page 6, line 17. The recitations in claim 51 draw support from the specification at page 9, lines

7 - 12. The recitations in claims 53 - 55 draw support from the specification as filed at page 8, lines 18 - 31. The recitations in claim 56 draw support from the specification at page 11, lines 3 - 23.

In the interview, Applicants discussed with the Examiners the insufficiency of the prior art rejection on the basis that one of skill in the art could not have had even a reasonable expectation of success in increasing trehalose levels in a plant by inhibiting trehalase. Applicants explained that the mechanism by which trehalase functions in plant cells was not known and one could not predict even if endogenous trehalase comes into contact with the trehalose produced in plant cells.

Applicants next discussed the enablement rejection with respect to the method of inhibiting trehalase with an endogenous chemical inhibitor. Applicants argued that Examples 1, 2 and 3 of the specification, which show the testing of validamycin, provide sufficient guidance for one of skill in the art routinely to test any other chemical inhibitor by simply substituting such other chemical inhibitor for validamycin in the exemplified medium. Accordingly, the specification is respectfully believed to be enabling for the invention as claimed regardless of the kinetics of enzyme inhibition, etc.

Applicants also argued the enablement rejection with respect to the embodiment wherein a plant is transformed with a DNA construct that inhibits the trehalase. Applicants called the Examiners' attention to Example 8 in the specification and the guidance in the specification as to the isolation of a trehalase gene in plants other than potato.

In view of the above, an early and favorable consideration on the merits of at least the elected claims is respectfully requested.

Respectfully submitted,

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